

**ANNUAL REPORT  
OF THE  
COMMISSION ON MENTAL HEALTH**



**October, 2009**

# INDIANA LEGISLATIVE COUNCIL

## 2009

Senator David Long

Chairman

Fort Wayne

Speaker B. Patrick Bauer

Vice-Chairman

South Bend

Senator Vi Simpson

Bloomington

Representative Brian Bosma

Indianapolis

Senator Brandt Hershman

Monticello

Representative Earl Harris

East Chicago

Senator Connie Lawson

Danville

Representative Dale Grubb

Covington

Senator Brent Steele

Bedford

Representative Scott Pelath

Michigan City

Senator James Merritt

Indianapolis

Representative Russell Stilwell

Boonville

Senator Connie Sipes

New Albany

Representative William Friend

Macy

Senator Timothy Lanane

Anderson

Representative Kathy Richardson

Noblesville

John M. Ross  
Executive Director  
Legislative Services Agency

# COMMISSION ON MENTAL HEALTH

## Membership Roster

### Senators

Connie Lawson, Chairperson  
Danville

Vi Simpson  
Bloomington

### Representatives

Charlie Brown  
Gary

Cindy Noe  
Indianapolis

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### Laymembers

Kathleen O'Connell  
Roanoke

Margie Payne  
Indianapolis

Valerie Markley  
Bloomington

Caroline Doebbling  
Indianapolis

Chris Taelman  
South Bend

Dr. Danita Johnson-Hughes  
Gary

Stacey Cornett  
Batesville

Ronda Ames  
Indianapolis

Bryan Lett  
South Bend

Kurt Carlson  
Warsaw

Jane Horn  
Richmond

### Staff

Susan Kennell  
Attorney for the Commission

Bill Brumbach  
Fiscal Analyst for the Commission

## **I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES**

The Commission on Mental Health is established by IC 12-21-6.5 to do the following:

- (1) Study and evaluate the funding system for mental health services in Indiana.
- (2) Review and make specific recommendations regarding the provision of mental health services delivered by community providers and state operated hospitals. The review and recommendations must cover services to all age groups including children, youth, and adults.
- (3) Review and make recommendations regarding any unmet need for public supported mental health services:
  - (A) in any specific geographic area; or
  - (B) throughout Indiana.

In formulating recommendations, the commission shall consider the need, feasibility, and desirability of including additional organizations in the network of providers of mental health services.

- (4) Monitor the implementation of managed care for the mentally ill that is paid for in part or in whole by the state.
- (5) Make recommendations regarding the commission's findings to the appropriate division or department of state government.

The Legislative Council assigned the following additional responsibilities to the Commission:

- (1) Study how to protect the rights of mental health patients by ensuring that mental health records, testing, and psychotherapy notes are protected. (HCR 45)
- (2) Review the collaboration between agencies in regards to access to medical records and mental health referrals. (HR 138)
- (3) Study funding for clubhouse model programs that assist people in their recovery from serious mental illness. (President Pro Tempore Long)

## **III. SUMMARY OF WORK PROGRAM**

The Commission met four times: on September 15, 2009, in Indianapolis, September 30, 2009, in Fort Wayne, Indiana, and October 20 and 26, 2009, in Indianapolis.

At the September 15, 2009, meeting, the Commission received the annual update on the Division of Mental Health and Addiction (DMHA); heard discussion concerning mental health records as requested by HCR 45; and received an update on collaboration between local law enforcement entities and the Department of Correction regarding health records (HR 138).

At the September 30, 2009, meeting, the Commission met in Fort Wayne to tour the Carriage House, a clubhouse program, and received testimony on clubhouse programs.

At the October 20, 2009, meeting the Commission received presentations from Mental Health America of Indiana on the status of mental health issues in Indiana; received a presentation concerning systems of care and diversion initiatives; received a presentation on tobacco issues as they relate to individuals with mental illness; received an update on the licensing of addiction counselors in Indiana; received a presentation concerning mental Health issues from the Indiana Council of Community Mental Health Centers, Inc.; and received information on audit exceptions and new programs from the DMHA.

At the October 26, 2009, meeting the Commission considered resolutions and adopted the final report.

#### **IV. SUMMARY OF TESTIMONY**

September 15, 2009

The Commission received the annual update from the DMHA on activities undertaken by the Division during the past year.

In response to the Legislative Council mandate, Representative Mark Messmer discussed his concerns about denial of access to mental health records for a constituent. Access was denied based on a provision in state law that provides an exception to a patients' right to see the patient's own mental health records if the provider of services determines that it is detrimental to the physical or mental health of the patient. During the 2009 legislative session, Rep. Messmer introduced HB 1675 which would have specified a process for a patient to obtain a physician's review to determine the patient's access to mental health records. Mr. Chris Sullivan, Indiana Psychological Association, and Mr. Tim Kennedy, Indiana Hospital and Health Association, testified that the release of records of individuals with mental illness is covered under the federal Health Insurance Portability and Accountability Act (HIPAA) laws. There was concern expressed that there could be confusion if state laws also covered the release of records.

The second mandate from the Legislative Council involved collaboration between agencies to ensure that medical records follow an inmate on transfer from local agencies to the Department of Correction. The Department of Correction provided the Commission with an update on that process. The Commission members were also provided with copies of the form developed by the Department of Correction concerning the transfer of records. The DOC reported that the process is working well.

September 30, 2009

The third mandate of the Legislative Council was to study funding for clubhouse programs. In order to fulfill that mandate, the Commission met in Fort Wayne to tour the Carriage House, a clubhouse program that provides services to individuals with mental illness.

The members heard testimony on the challenges facing clubhouse programs in the afternoon. Services provided at clubhouse programs have been funded by Medicaid Rehabilitation Option (MRO) dollars, but because of an interpretation issued by the federal government, beginning July 1, 2010, MRO dollars will no longer be used for clubhouse programs. There was testimony in support of finding continuing funding for the program after July 1, 2010.

#### October 20, 2009, Meeting

The Commission received a presentation on issues facing the mental health system from Mr. Steve McCaffrey, President and Chief Executive Officer, Mental Health America of Indiana. Also, at the request of Mental Health America, the Commission received information from Mr. Leon Evans, President and Chief Executive Officer of the Center for Health Care Services of Brexar County Mental Health Authority in San Antonio, Texas. Mr. Evans discussed the success Texas has had with criminal diversion initiatives. Also at the request of Mental Health America of Indiana, the Commission received information from Dr. Jill Williams, Associate Professor of Psychiatry of the University of Medicine and Dentistry of New Jersey, about the issue of tobacco use by individuals with mental illness and addictions. The Commission received an update on the progress of the licensure of addiction counselors from the Professional Licensing Agency. The Commission received comments from Mr. Matt Brooks, Executive Director and CEO, Indiana Council of Community Mental Health Centers, Inc., concerning mental health issues and issues for audit and program changes facing providers. Ms. Gina Eckart, Director of the DMHA, provided testimony concerning the audit issues and other matters discussed by Mr. Brooks.

#### October 26, 2009 Meeting

At the October 26, 2009, meeting, the Commission adopted four resolutions and approved the final report. Also, the Commission asked FSSA for an update on the progress with the implementation of SEA 102 from the 2009 Session of the General Assembly. SEA 102 specified the mental health services that must be covered under the children's health insurance program (CHIP) to make the mental health services provided to children under CHIP the same as those provided under Medicaid.

Copies of the Commission minutes can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Commission recognizes a need to find new funding sources to continue providing much-needed services to individuals with mental illness and addictions. The Commission urges the Division on Mental Health and Addictions to seek alternative funding sources to replace the federal stimulus dollars to continue to fund services for individuals with mental illness and addictions.

The Commission adopted the following resolutions:

1. **PDOC 20101400** urged DMHA to develop plans to reduce the use of tobacco in facilities operated by DMHA. Plans to reduce tobacco use should also cover providers of services to individuals with mental illness and addictions when the providers are receiving state funding. The resolution required any plan developed to include a treatment component.

2. **PDOC 20101399** affirmed the support of the Commission for the Mental Health Medicaid Quality Advisory Council.

3. **PDOC 20101401** affirmed the importance of the services being offered by the clubhouse program and urged DMHA to seek funding to continue the programs after July 1, 2010.

4. **PDOC 20101398** urged the Legislative Council to assign the following topics to the Commission for the 2010 interim:

- (A) Issues surrounding youth suicide.
- (B) Monitoring the flow of medical information on inmates between local units of government and the Department of Correction.
- (C) Monitoring changes in services caused by funding changes due to shifts in the Medicaid Rehabilitation Option (MRO).
- (D) Pursuing a single drug formulary for Medicaid and the Department of Correction.

## WITNESS LIST

September 15, 2009

Ms. Gina Eckart, Director DMHA

Mr. Roger Booth, Chief Audit Executive, FSSA

Dr. Caroline Doebbling, Consultant, Office of Medicaid Policy and Planning (OMPP)

Representative Mark Messmer

Mr. Chris Sullivan, Indiana Psychological Association

Mr. Tim Kennedy, Indiana Hospital and Health Association

Mr. Tim Brown, Department of Correction

September 30, 2009

Mr. Andy Wilson, Executive Director, the Carriage House

Mr. John Wilford

Ms. Colleen McKay, Clubhouse

Dr. Jay Fawver, Fawver Wellness Clinic

Deputy Chief Dottie Davis, Fort Wayne Police Department

Ms. Patsy Hendricks, Parkview Behavioral Health

Deputy Steve Stone, Allen County Sheriff's Department

The Honorable David Avery, Allen Superior Court

Mr. Larry Hayes

Mr. Steve Manning

Mr. Matt Brooks, Indiana Council of Community Mental Health Centers

October 20, 2009

Mr. Steve McCaffrey, Mental Health America of Indiana

Mr. Leon Evans, Bexar County Mental Health Authority

Dr. Jill Williams, University of Medicine and Dentistry, New Jersey

Ms. Lisa Bentley, Professional Licensing Agency

Mr. Matt Brooks, Indiana Council of Community Mental Health Centers

Ms. Gina Eckart, DMHA

October 26, 2009

No presentations were made